

## PRE-COLONIAL DISPUTES RESOLUTION SYSTEM IN YORUBALAND: THE OWO EXPERIENCE

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### Abstract

This study examine the pre-colonial dispute resolution system in Owoland. The study is aimed at exploring the dispute resolution system in Owo kingdom and to discuss the origin, forms, institutions and methods of dispute resolution system in Owo kingdom and to give an appraisal of the system. The study, therefore, examine the peculiarity of the dispute resolution system in Owo kingdom, analyses the pre-colonial conception and forms of dispute resolution among the people of Owo, and examine the institutions responsible for dispute resolution in pre-colonial Owo kingdom. The study emphasized that the peculiarity of the indigenous dispute resolution system in Owo Kingdom has not been given a historical appraisal and thus, the study is significant to give a concise exposition on the system of dispute resolution among the people of Owo kingdom. The study adopted descriptive and narrative approaches using both primary and secondary sources. The study provided a valid historical source of reference on the study of dispute resolution system in Owo and helps to awaken the spirit of cultural values and reconstruction of the history of traditional dispute resolution system in other part of Nigeria. The study recommended that the indigenous dispute resolution system among the people of Owo was a system worthy of historical appreciation and appraisal, and this should be improved upon. This paper is deemed necessary as a result of the urge by indigenes of the town to recognize the mode and institutions of dispute resolution system among the people of Owo and to separate such from the influence of western dispute resolution system as well as the need to develop along line the western system of dispute resolution without prejudicing their cultural past. Also, this paper is a scholarly attempt to unravel the uniqueness about the impact of dispute resolution system on the people of Owo kingdom.

### Introduction

Dispute or conflict is inevitable in human society. It has over the years been a center of discussion at different strata due to its impact on mutual understanding and social development. Dispute is the disagreement between two parties or more over a certain issue. According to Burton, the dispute is classified as a short-term

<sup>1</sup> Department of History and International Studies, Faculty of Arts, Adekunle Ajasin University, Akungba – Akoko.

disagreement.<sup>1</sup> Human complexity is the dynamics in the build-up of human beings that fuel differences in human approaches to issues. Human interests on the other hand are various human wants and operations which are peculiar to individuals. The overlapping or infringing of this into another person's spurs conflict. However, disputes can result in the disputants reaching some sort of resolution; it involves negotiable issues.<sup>2</sup> Due to the inevitability of peaceful coexistence, there is a need for conflict resolution mechanisms to conflicts in society. Therefore, dispute resolution simply means settling disputes among parties. Peace is any situation devoid of violence which can also be a state of harmony or the absence of hostility.<sup>3</sup>

Owo, one of the ancient kingdoms in Ondo State had a structure that was centralized even before the colonialists invaded Nigeria. The inhabitants of Owo kingdom were during that period involved in the administration of the kingdom with a monarch, who ruled and served as the supreme body in the kingdom, and also with chiefs who drove the affairs of the king. The geographical description of Owo illustrated an estimated area of about 2,000 square miles. A conservative estimate will put the town's population at about 300,000 inhabitants.<sup>4</sup> It is expedient to know that before British rule in 1900, the boundary of Owo extended to Ogbese but Isho is now the boundary of Owo and Akure about 46 kilometres away. The present-day Owo has a boundary with Ekiti at Eporo Owo domestically. It has a boundary with neighbouring communities, to the East with Iyere and Emure in the West, Idashen community in the South, and the North Upeme. With this, Owo is in the center which makes it difficult for intrusion. Owo is the link between Yoruba, the North, and the Southern part of the County. This makes Owo the center of attraction politically and commercially. Owo encompasses towns and villages like; Uso, Emure-Ile, Isuada, Ipenmen, Iyere, Ipele, Idasen among others.<sup>5</sup>

This paper examines the system by which the Owo people resolved their disputes in the pre-colonial period. It is imperative to state that this work is an attempt to consider the pre-colonial history of dispute resolution in Owo and on a broader scale to unravel how Africans dealt with their interpersonal, inter-group, and communal marrying misunderstandings before the advent of foreign conflict management mechanism. The fact remains that before the advent of colonialism, African societies had established well-defined mechanisms and conflict management, peace-making, peace-building, conflict monitoring, and conflict prevention. These institutions and methods were effective and highly respected and their decisions were binding on all the parties concerned.<sup>6</sup>

The dispute resolution system in Owo during the pre-colonial period was categorised into three stages; family stage, quarter stage, and king's court. It is vital to note that the family in question here is the present-day extended family which comprises of father, mother, children, cousins, nephews, the eldest male who is usually the head of the household, nice, grandfather, grandmother, and other members of the household. The family head, chief, and elders in the family are saddled with the responsibilities of resolving disputes among the family and in case the family head can't resolve the conflict, it will be taken to the quarter. The quarter during this period was the combination of the number of streets domiciled in a particular location and this was controlled by the quarter chiefs in each of the quarters. Issues that couldn't be resolved at the quarter will be taken to the king's court known as *Ugbima aleli*, where the king will settle the problem for the disputing parties.<sup>7</sup>

In Owo, the family was known as *Agbo-ile*, which is headed by *Baale*, the most elderly male among the people. The people attached much importance to old age, life experience, wisdom, and integrity. However, within each compound, there were different families with heads known as; *Olori-ebi*, and the family heads complemented the effort of the compound head to govern the larger compound effectively. Periodical meetings were held between the compound head and the family head to discuss issues of common interest to the various families within a given compound.<sup>8</sup> Next to the compound family was the court of the village head. Any issue found too knotty or intractable by the compound head was referred to the village head, *Baalẹ*. They tried all civil cases involving persons belonging to different compounds but living in the same village. Cases in which both sides of the dispute

belonged to the same compound and which got out of hand in the *Baale*'s court would be heard in the court of the village head as an appeal. Apart from all these, the village court head conducted preliminary investigations into cases that occurred under his jurisdiction such as; matrimonial cases mainly on divorce, and debt claims, while land matters were transferred after preliminary investigation and hearing to the king's court.<sup>9</sup>

### **Pre-colonial Conceptions and Forms of Dispute in Owo**

Peace is very important and sacrosanct for the development of any society and since dispute is inevitable among human beings, so there is the need for devising ways of resolving those disputes. The remedy to the social trends of conflicts primarily resides in appreciating and embracing resolution procedures which is the mechanisms for conflict resolution. Understanding the method of dispute resolution in Owo during the pre-colonial era therefore requires a vivid evaluation of the autochthonous personalities and home-grown institutions as well as an outlook on the native mechanism adopted in resolving conflicts in Owo kingdom during the pre-colonial era.<sup>10</sup>

The method of dispute resolution in pre-colonial Owo was adjudged to be fair and impartial. The processes involved in the resolution of disputes housed varying stages which were enhanced by the involvement of the spiritual belief of the people. The use of oaths and all other traditional spiritual means created a sense of objectivity amongst the people about the system of resolution in Owo. According to oral history, it was believed that the people had respect for the system of dispute resolution in the pre-colonial Owo. They believed that the *Olowo*; king could not be biased in his pronouncement of judgement and it was ascertained that the religious view of the people in the pre-colonial era enhanced the total trust the people had for the system.<sup>11</sup>

According to oral history, the processes which any issue might have gone through were always opened and hence made the people believe wholly in the methods of dispute resolution in Owo during the pre-colonial era as follows;

*"The people start the process of conflict resolution with oath taking, questioning and decision of the people in authority ranging from the family heads to the chiefs of the Olowo. The quarter chiefs were not left out. The people witness the sittings of the chiefs in a bid to resolve the dispute. Only the inner council of the Olowo goes in to be consulted before the Olowo makes any pronouncement. But the major reference and respect for the method and system of dispute resolution in the pre-colonial Owo was as a result of the reference for the Olowo and spiritual activities."*<sup>12</sup>

### **Forms of Disputes in Pre-colonial Owo**

The pre-colonial age witnessed different types of disputes. Disputes evolved from every part of the society and there were disputes between family members, disputes in the market, and also the farm settlements were not left out.

#### **Farmland Dispute**

In the pre-colonial era, Owo indigenes were majorly farmers and they had farmlands at different farm settlements. These farmers built wooden houses in the settlement which was referred to as, *Ahere*. Every *Ahere* farm settlement has its leader known as, *Baale*. He was saddled with the responsibility of settling disputes among the farmers in his settlement.<sup>13</sup> *Atori* tree was planted to serve as a protector in farm settlement. The *Atori* tree was seen as the representative of the demised ones. Anyone who runs to hold the *ator*i during a dispute or fight was pardoned, as any attempt to touch or beat him was considered a slap on the *Olowo*'s face. Also, both husband and wife should not fight at night as this was met to avert unnecessary rivalry which could result in any casualty. In case of any conflict or fight in the family, it must be done during the day to ensure that the appropriate persons would be consulted to certify that the dispute was resolved.<sup>14</sup>

It is pragmatic to note that the *Baale* was not superior to the quarter chiefs. In the modern-day jurisdiction of the court, it could be described as the federal high court and the state high court in which one was not superior to the other. The *Baale* like the quarter chiefs adjudicates issues such as disputes over portions of land, theft, marital

issues, and some other farm-bothering issues except for homicide as any such case was considered exclusive to the *Olowo* (king).<sup>15</sup> Hearing of one case might be more than once but he adjudicates on issues and issues beyond his capacity will be taken to the *Olowo* palace.<sup>16</sup>

### **Market Dispute**

Women in Pre-colonial Owo dominated the market squares selling and buying of various goods and services. At every market, any dispute which surface are always attended to by the *Iyaloja* and the *Alaja*. *Alaja* and *Iyalode* supervised the affairs of the market by putting in place things that should be properly organised. Any issue that could not be resolved by them was brought to *Ugbima Aleli*.<sup>17</sup> The *Ugbima Aleli* was headed by the *Olori Olowo* (queen) who presides over any issues that couldn't be easily be resolved at the market square. She was assisted by some other council of women chiefs including the *Iyaloja* and *Alaja*. Anyone who is not justified by the case filed or settled by the *Ugbima Aleli* would be taken to the king's court which serves as the Supreme Court in Owo.<sup>18</sup>

### **Pre-Colonial Institutions of Dispute Resolution in Owo Kingdom**

The dispute resolutions in Owo kingdom during the pre-colonial period engaged the activities of certain personnel and specified arrangements. These personnel and arrangements were integral parts of the socio-political institution. Thus, the home-grown institution powered the activities of these dispute resolution agents such as;

*Iyare* (old elders), *Ugbama* (young elders), *Olori Ebi* (family heads), *Ijoye* (chiefs), and the one head of the ladder which was the *Olowo* (king). *Olowo* remains the paramount ruler of Owo and he appointed chiefs that will be overseeing quarters and streets, the decision of the king was binding on all citizens of Owo. The king had a democratic feature by inviting some chiefs for advice when things were wrong. The councils of chiefs that assisted the king were referred to as *Ugbima Aleli*.<sup>19</sup> *Ugbima Aleli* always housed the *Olowo*, who presided over the *Ugbima*. The High Chiefs and Ordinary Chiefs were referred to as the *Ugbima* and *Ugboju* respectively, and also as the plaintiff and defendant, and sometimes as the viewers. Apart from the *Ugbima Aleli* which the *Olowo* oversees in his palace, the *Ojomo* chief of the *Ijebu* quarter who *Olowo* gave self-rule during this period had its own *Ugbima Aleli*, but they were not as superior as the *Ugbima Aleli* that remains in the palace of *Olowo* even though, there were no differences in the pattern of administration they used because they were siblings.<sup>20</sup> The *Ugbima Aleli* of the *Olowo* himself holds their meeting every eight days because it was not all issues will be resolved during the meeting, therefore, any issue unresolved will be postponed till the next meeting which was eight days intervals. However, the *Ojomo's* *Ugbima Aleli* holds their meetings every nine days, and issues resolved at the meeting must be brought to the king *Ugbima Aleli* for final resolution.<sup>21</sup>

Moreover, all these groups of personalities had the legitimacy to intervene and resolving dispute in the Owo kingdom during the pre-colonial period. In other words, these revered personalities operated the institutions of dispute resolution which was patterned in accordance with the cultural norms, value, and traditions for the alleviation of conflicts to facilitate peace. These leaders were appointed based on their track record or consensus of the family member or election. The family selects a chief and presents the person to the king for confirmation and some of the families have more than one chief depending on the largeness of their family.<sup>22</sup>

### **Family Dispute Resolution in Pre-colonial Owo**

Owo group of the Yoruba ethnic affiliation evolved institutions anchored on dispute resolution and management in the society. The family as a traditional institution existed as a practical model of understanding familial projection and unification of goals and forces desirable of positive outcome. Here, the family head acts in the capacity of a reconciliatory agent between the family members settling disputes and averting disputes through mediation. *Agba* meaning the old aged ones, were very important actors in the administration of dispute resolution in Owo kingdom during the period under consideration. They appear virtually at every strata of dispute resolution

in Owo kingdom during the pre-colonial era. People went to them for wisdom as they were seen as custodian of wisdom.<sup>23</sup>

*Olori Ebi Okunrin*, the eldest male in the family presides over matters and uses his wisdom to resolve or settle any dispute that arises in the family. He was chosen because of his old age and experience in dealing with such issues. He must be calm, humble and has listening ears to the plight of all members of the family.<sup>24</sup> According to oral history, the eldest male of the family must be respected by all members because credence was given to old age and elderly ones in Yorubaland including Owo. Marriage disputes were settled at the family house domestically. But on very extreme cases, the issues were settled by Olowo at the King's court.<sup>25</sup> *Olori Ebi Obinrin*, the eldest female in the family also solved issues relating to women crisis in the family. she assists the *Olori Ebi Okunrin* also in decision making when needs calls for it, though, she was not privileged to preside over any matter relating to the men in the family or give judgment unless she consults the eldest man of the family. Each of the family has chief which represent them in the king's court as the Ugbima Aleli. The election of the chief was based on the unanimous decision of the family members. The chief might be the least in the family but must be loyal and humble in nature.<sup>26</sup>

Furthermore, family in the dispute resolution system was the first of the three main steps to take in the kingdom during the time under consideration. There were different kind of issues that could be resolved which includes; marriage dispute, inter-personal conflict within the family members, theft, sharing of property; *ogun pinpin* and other family dispute. However, if there was dispute between husband and wife or two members of the family, the family head and the chief in the family will call both parties and listen to both sides so as to settle the case amicably for them. In case of marital dispute, if the wife was guilty and the case was serious, the wife will be fine a cock. The family head also adjudicate dispute within two or more warring family members. Indeed, if the dispute was minor, it attracts no fine especially if it was between friends or within family members, but when it was a trivial case, it attracted fine.<sup>27</sup> Moreover, family heads and chiefs who settled issues at the family were very careful so that if anyone that was not satisfied among the disputing parties took the case to the palace of Olowo, they won't be blamed because it was one of the method used at the Ugbama Aleli to ask maybe the family of the disputing parties were aware and what was their judgement on it. Hence, it became expedient for any family head to put up or use different method in ensuring that they get the truth and avert lies and biased verdict.<sup>28</sup>

The heads of the family also make use of traditional methods to check and avert lies. This was done by oath taken as both parties were made to swear an oath and the family head sends people for investigation to ascertain which one was saying the truth among the two sides. If the issues could not be resolved in the family, the matter would be directed to the king's court for final judgement. However, before any matter can be taken to the king's court, the case must have been deliberated by the chiefs of the quarters and the family head must be present. The cases at the family level could be judged at the *Ugha*; courtyard where family cases were tried and settled, but once it gets to the king, he has the final verdict on the matter.<sup>29</sup>

### **Quarter Chiefs Council**

This was another great institution in Owo during the pre-colonial ear channelled towards resolving disputes in the kingdom. Issues that were treated in the family but without satisfaction to any of the party could be taking to this level. At this level of dispute resolution, the chiefs always have their meeting once in a week to resolve the issues brought before them. The chiefs appointed one among them who will be secretary to document any cases brought to them down which might later be taken to the palace council if needs arise. There were different kind of disputes that could be resolved at this level of dispute resolution in Owo kingdom during the period under review. Inter-family issues like land dispute among other could be resolved. The street chief could exert some level of punishment to the culprit and settle it amicably.<sup>30</sup>



According to oral history, the quarters have various meeting points for the settlement of cases, such as; *Osogun* was considered as the meeting point for *Igboroko* quarter which was controlled by Ojumu and other chiefs from the quarter included; *Ashawo*, *Elerewe*, *Osuporu*, *Aruwaji* among others. *Eyinogbe* was the meeting point for *Ogban-Oshere*, while, *Isaipen* was the meeting point for Odogun's house, and the meeting point in *Iloro* was *Arigidi*. At the quarter level they settled inter family dispute and inter street dispute.<sup>31</sup> At this level, oath taking could be used to find out the truth and the offender will be given strict punishment by the chiefs. The quarter heads also resolve issues among families in the streets under their quarter, for instance, boundary, infringe of right among others. This level still exists till today and not issues can be taken to the king. The high chiefs and other chiefs from their quarters ensured they resolved issues so as to protect the image of the quarter. During the deliberation by the chiefs led by the high chief of that particular quarter, the family elders and chiefs from disputing families would be there. If the conflict was grievous and couldn't be resolved by the street chiefs, it would be taken to the palace which was the final stage resolution during the period under review in Owo kingdom.<sup>32</sup>

### Palace Council

This was the final stage of dispute resolution in Owo kingdom during the pre-colonial era. The apex in the stages of dispute resolution in Owo during this period under consideration was the *Ugbama aleli* at the Olowo's palace which the king oversees himself. However, if one of the parties involved in the dispute disagree with the outcome of the judgement at the family level, or quarter level, such cases will be decided at the Olowo's palace for appeal and would be asked if the family was aware and if steps have been taken to resolve the dispute amicably.<sup>33</sup> Also, the family of the disputing parties, if it was intra-family dispute, could withdraw the case from *Ugbima aleli* on the ground of settling it within the family. The family head will bring report back to the palace if he was able to settle the dispute and if not, the parties in dispute were brought back to Olowo's palace so that the king could settle it amicably for peace to reign.<sup>34</sup>

Furthermore, the *Ugbima Aleli* also attended to civil cases such as disputes between market women and farmland disputes. Then, at the *Ugbimo aleli* sittings, market women are permitted to bring their issues which couldn't be resolved by the *Iyaloja*. Sometimes, when the need arises especially during or for exceptional cases whereby after listening to the parties at dispute, the Olowo will summon the high ranking chiefs who were his inner council to the inner room. The inner council was called *Iduma Olowo*, and the two *Ugbimos* consist of high ranked chiefs which were called *Ugboju* and *Ugbima* respectively. The chiefs were high ranked by the numbers of bead on their leg such as; *Ojumu*, *Oshere*, *Akowa*, *Sashere*, *Oshuporu*, *Saja*, and *Sawa*. They will deliberate privately on the matter arising and one of them will come out and pronounced the judgement to the congregation. However, they may not hold meetings same day with *Ugbima Aleli* but both happens at the palace of Olowo.<sup>35</sup> In the pre-colonial era, anyone who commits murder, the Olowo has the absolute right and power to kill the person by pronouncing death sentence on the person. Even all the criminal cases must be reserved for the king, issues of witchcraft were also decided by the Olowo. The Olowo has palace security that serves as errand boys who carried and arrest any accuser and they were called *Omode Ogoha*. They go without any warrant document form to arrest the criminals and bring them to the king for punishment.<sup>36</sup>

Furthermore, in the gathering of the palace council, the palace servant will say, *Ogwa Ma Ken Hin O*, meaning king has the final verdict or authority and everyone will kneel in response and respect of the Olowo, even up till 1960s, that was the supremacy of the Olowo. Any case to be resolved before hearing, the two aggrieved people make an oath by whatever substance was made available at the palace and the king make a pronouncement. The verdict of the Olowo must prevail and the king can send the guilty party to an exile. For instance, at a time, the *sesere* had a rift with the Olowo and he was sent on an exile.<sup>37</sup>

### **Pre-colonial Methods of Dispute Resolution in Owo**

The pre-colonial Owo kingdom just like many other Yoruba kingdoms had different methods in resolving and ensuring proper resolution of dispute. To ascertain proper and fair judgment, different means and mediums were used and consulted. In the dispensation of justices in the Owo pre-colonial era, there were traditional instrument that were used to compel truth and dispensing justice. It includes; Ogun, Oriwole, Oath taking among others. All these instruments very sacrosanct for the adjudication of justice.<sup>38</sup> People tend to be quick in divulging the truth because of the potency and the belief people have in those traditional tools. Some of these instrument that were peculiar to Owo kingdom includes;

#### ***Ogun***

As it was generally known in Yorubaland as the god of iron. *Ogun* was highly revered and feared in the traditional Yoruba circle because of its fact way of disposing justice even in a brutal way unless it was quickly appeased before it strikes. Like any other typical Yoruba kingdom, Ogun was used in any gathering where there was confusion and in finding out the truth to compel parties involved to say the truth because it was believed that ogun will quickly harms the culprit if truth was not told.<sup>39</sup> Therefore, people fear the anger of the god of iron to avoid untimely death and quickly say the truth. However, due to the advent of Christianity, this has practices has been fading away, but, was at its peak during the period under review. During any disputable issue at the palace of Olowo of Owo kingdom, iron of any kind will be placed at the center for the parties involved to touch in order to confirm the truth spoken.<sup>40</sup>

#### ***Iminale***

This was also a unique instrument to the people of Owo in finding out the truth about an event or issue. This was just a process of swearing in order to find out the truth in a particular dispute. According to oral history, on a land dispute in which the parties involved were not willing to tell the truth, the king could tell them to off their foot wears in order to swear an oath.<sup>41</sup> The implication was that, one of the party who is the culprit will die, because they believed that their fore-fathers slept on the land and their spirits were still much available. This was mostly used when there was land dispute and both parties were not ready to tell the truth.<sup>42</sup>

#### **Oath-taking**

This is also very instrumental in getting justice for the people of Owo in the pre-colonial period. Using an oath which will authenticate whatever the person which for and the grievous consequences or repercussions that will follow if such person was the culprit. Blood could be used to take an oath which will depict agreement, stone could be used, also sacred tree among others.<sup>43</sup> Also, they could ask the parties at dispute to look at a large rocky mountain so that they should be truthful, and another thing they used was to swear an oath using the Olowo's head. All this was meant to prevent false accusations or distorted information so as to punish the culprit. Another means of swearing an oath was to scoop some sand and rub it on the head, swearing by, *Eminale Ogho*, which was referred to as the ancestors of the land who have passed away.<sup>44</sup>

### **Penalties of Notable Offences**

In the pre-colonial era, there were penalties allotted for various kinds of offences and these was based on the gravity of the offence. There was no offence without a penalty whether small or big, such as; death sentence, monetary while other imprisonment.

#### **Fine**

Fine was a form of penalty in which the culprit was ordered to give a particular amount for his wrong doing? This was one of the penalties dispensed to offence that fall to the range of the penalty. Offences that would fall under this range will be minute. Issues like; land dispute, stealing, and snatching of wife would attract fine.<sup>45</sup> The reason for this penalty was to resolve conflicts in the kingdom and discourage the act of committing crimes. Anyone

who disrupts the hearing of any case could be fined a goat, hen or any other thing at the discretion of the Olowo or anyone presiding.<sup>46</sup>

### **Punishment**

This was the lowest level of penalty for offences during the pre-colonial era. In this kind of penalty, the culprit might be asked to be beaten in order to serve as a deterrent to others who might want to do such task. Punishment also differs from one to another and based on the offences one commits. A person who commits adultery with another person's wife would be beaten a certain stroke of cane to serve as a shame for him. Another culprit could be asked to weed the road to the village farm alone. The king appointed someone to be in charge of meeting out punishment.<sup>47</sup>

### **Jail**

This was another form of penalty in which the culprit will be put in prison for a certain period of time based on the gravity of the offence committed. According to oral sources, in Owo pre-colonial era, a prison was created by the Olowo which was not far from the palace where offenders were kept. Immediately the Olowo gives the judgment for anyone to be imprisoned, the person in charge takes him or her there without further delay. Olowo appoints one of his aids to be in charge of the prison.<sup>48</sup>

### **Death Sentence**

This was the highest level of penalties in Owo kingdom during the period under review. This type of penalty comes under rare and grievous offences. This judgement could come if the culprit kills someone or the person has been committing same grievous offence and has been warned, or the culprit has been imprisoned before and did not stop such a barbaric act of committing the crime. Once the judgment was pronounced, the offender was allowed to say his last prayers and ask for forgiveness after which he would be beheaded or hanged.<sup>49</sup> Also, another penalty was expelling the culprit and banishing such offender from the kingdom to an evil forest to be eaten by wild animals or killed by evil spirits. However, before carrying out this act, there were some traditional rites to be performed and having performed the rites, the chiefs will follow the culprit to the boundary of the kingdom and give him the sand of the kingdom which signifies his journey of no return to the kingdom.<sup>50</sup>

### **Intricacies of the System**

There was no system that doesn't have its shortcomings even the acclaimed democratic system of government has its shortcomings. The system of dispute resolution in Owo kingdom during the period had its intricacies. Bribe was one of the obstacles of the system. The king doesn't indulge in pervasiveness of judgement and did not take bribe. The culprit could give any of the chief money or any other benefit to subvert judgement, but if the chief was caught, the king would cut off his beads and relieve him of his duty as the chief of the land. However, the members of the family can solicit on behalf of their member who was relieved of his duty. Other shortcoming includes turning over of justice and favouritism. Favouritism occurs when a family member tries to thwart or distort the ruling or final verdict in a case to favour his/her family member or friend who was involved in the case.<sup>51</sup>

### **Conclusion**

Having gone through the elders of the land to identify the methods used in resolving dispute in the Pre-colonial period in Owo kingdom, it was discovered that the kingdom had a unique centralised system of dispute resolution which maintains peace, progress, orderliness and justice in the land placing the Olowo who was the paramount ruler of the kingdom as the overall head who presides over cases that may have passed through several stages: the family, the quarters, the markets, the farm settlements before getting to him.

Human exist and coexist for several reasons and benefits which necessitated growth and development of various kingdoms. However, this co-existing cannot occur without elements of dispute settling in. Dispute differs from



conflict as dispute are always short term unlike conflict and hence, the necessity of putting in place a system for dispute resolution in every society. Without this system in place, just like the absence of law brings chaos, any society which lacks such will be in utter chaos. In tracing the dispute resolution system in Pre-colonial Owo, it is necessary to take look into the system of dispute resolution in Yoruba kingdoms in which Owo was part, whose system was perceived as democratic, and gave room for dispute resolution as the tradition was accorded good respect, and the system preaches coexistence, harmony, orderliness, lawfulness. The dispute resolution system in Owo spurs from the history of the people of Owo which gave prominent authority to the king as paramount controller of the kingdom. The relevance and significance of dispute resolution system in Owo focused on its potency in adequately settling dispute amid the people of Owo. The people involved in settling the disputes such as; Olowo, Chiefs, and elders mindfully decide on issues brought to them for the sake of being a subject to a superior God, *Olodumare*, which will not accept false judgment or pervasiveness of judgment in any form.

It is pertinent to note that human being are bound to fight but resolving it is very germane in order not to generate into full-fledged war. This research exposed the researcher to the nitty-gritty of resolving dispute in Owo during the precolonial era and this was possible because the process of resolving disputes in Owo during the period under consideration is still much intact till today due to the effectiveness of the stages and structure of the method of dispute resolution in Owo. The family and the quarter still hold their monthly and weekly meetings respectively and the Olowo still presides over the Ugbima Aleli weekly which made the process fresh in the memory of the people involved in the process such as family heads, chiefs and the king workers. Though, it must be stated that the power of the king have been reduce by the government unlike before that kings could hire and fire.

In the contemporary Nigeria, the process of litigation has become more and more time consuming, expensive and cumbersome and increase in the number of cases in courts have led to congestion and delay in their resolution, unlike the indigenous system where the disputes were resolved in different stages, allowing and reducing the cumbersomeness and time spent in resolving the dispute. In the indigenous Owo system, before the king decide over a case, it would have passed through the stages. At those two stages, issues would have been taken care of and on rare situation gets to the king. The result is that it reduces the cumbersomeness of the cases to be attended to by the Olowo. Also, the indigenous dispute resolution system barely employ the use of money. Unlike the contemporary dispute resolution system where to get a case attended to in the court of law, one has to pay certain amount of money as fee and the lawyers involved in the litigation process would get paid. These are charges that often times make people avoid the use of courts of law, hence, the society would not be free of raging people who because of cost avoid resolving dispute. On the other hand, there may be claims involving small sums which may not worth the cost of litigation. All these have led to the development of alternative methods of resolving disputes. Some disputes are sensitive and confidential in nature and disputants may prefer settlement in private to one in public glare of court. This is one of the strength that the indigenous system wields over the contemporary system. However, the parameters for settling dispute in Owo during the precolonial era was embedded in the history of the indigenous people of Owo. The kingdom had a very good system in place and this has helped in sustaining the coexistence of the people of Owo.

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